

REFERENCE GUIDE



LABOR LAWS for KIDS

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**Your Rights under the Federal
and New Jersey Child Labor Laws**

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Child Labor Laws Highlights

- If you are under 18 years old, you must have an employment certificate (working papers).
- Employers must post your daily work schedule.
- There are restrictions in the times and hours you may work.
- If you are 14 or 15, you may work only certain jobs.
- Certain hazardous occupations are prohibited if you are under age 18.

Why child labor laws?

Federal and state child labor laws generally prohibit minors (anyone under 18 years of age) from working excessive hours, operating unsafe machinery and working in dangerous occupations. It is important to understand these laws for your safety and well being.

This summary of federal and state child labor laws is *only a guideline*. For more specific information, please refer to the applicable regulations available from the offices listed on the back of this pamphlet.

If you are under 18 years old, you must have an employment certificate (working papers).

Minors who are gainfully employed must have an employment certificate or "working papers." You can obtain these papers from the issuing officer of the school district where you reside. Minors must apply in person.

You should read your working papers carefully. They contain information that is important to you. Remember, working papers are valid only for a specified period of time and for conditions stated therein.

If you are between the ages of 18 and 21, an employer may require an age certificate. This certificate is available from the issuing officer (your local school) and protects the employer against the possibility of age misrepresentation.

Employers must post your work schedule.

Employers have to post a schedule for each minor, showing work day beginning and ending times and any scheduled meal periods. This schedule must be conspicuously posted in the establishment when minors are employed.

There are restrictions in the times and hours that you can work.

Minors under 18 years of age must receive a 30-minute meal period after five consecutive hours of work.

Minors under 16 years of age may not be employed during the hours they are required to attend school.

14- and 15-year-old minors may not be employed:

- Before 7 a.m. or after 7 p.m. (*except* from the last day of the minor's school year and ending on Labor Day, when the evening hours can be extended to 9 p.m. with written permission of the minor's parent or guardian);
- More than 3 hours per day on school days;
- More than 8 hours per day on non-school days;
- More than 18 hours per week in school weeks;

- More than 40 hours per week in non-school weeks; and
- More than 6 consecutive days.

16- and 17-year-old minors may not be employed:

- More than 8 hours per day;
- More than 40 hours per week;
- More than 6 consecutive days; and
- Before 6 a.m. or after 11 p.m. (*except* during school vacation season, and on days not preceding a school day, when they may work until midnight; also, in some occupations minors may work after midnight with special written permission of parent or guardian.

If you are 14 or 15 you may work only certain jobs.

Permitted occupations for 14- and 15-year-old minors in retail, food service, and gasoline service stations:

- Office and clerical work, including operation of office machines;
- Cashiering, selling, modeling, artwork, work in advertising departments, window trimming and comparative shopping;
- Price marking and tagging by hand or by machine, assembling orders, packing and shelving;

- Bagging and carrying out customers' orders;
- Errand and delivery work by foot, bicycle and public transport;
- Cleanup work, including the use of vacuum cleaners and non-commercial floor waxers, and maintenance of grounds, but not including the use of power-driven mowers or cutters;
- Kitchen work and other work involved in preparing and serving food and beverages, including the operation of certain machines and devices used in the performance of such work, such as toasters and popcorn poppers;
- Work in connection with cars and trucks, if confined to the following: dispensing gas and oil; courtesy services on the premises of a gasoline service station; hand car cleaning, washing, and polishing; and other occupations as listed elsewhere in this section (expressly prohibited is any work involving the use of pits, racks or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring); and
- Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from areas where meat is prepared for sale, and outside freezers or meat coolers.

***Prohibited occupations for
14- and 15-year-old minors:***

- Any manufacturing occupation;
- Any mining occupation;
- Processing occupations, such as filleting fish, dressing poultry, cracking nuts or laundering as performed by commercial laundries and dry cleaning (*except* those permitted occupations for 14- and 15-year-old minors in retail, food services, and gasoline service stations);
- Occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined or otherwise processed (*except* to the extent expressly permitted in retail, food service or gasoline service establishments in accordance with restrictions for 14- and 15-year-olds on time and hours of work);
- Public messenger service;
- Operation or tending of hoisting apparatus of any power-driven machinery (other than office machines and machines in retail, food service and gasoline service establishments specified in the previous list as machines that minors may operate in such establishments);
- Any occupations found and declared to be hazardous;

- Occupations in connection with: a) transportation of persons or property by rail, highway, air, on water, pipeline or other means; b) warehousing and storage; c) communications and public utilities; d) construction including repair and maintenance; e) conveyers (*except* minors at least 15 years of age, who may work in retail as cashiers or baggers) and power-driven machinery *including* lawnmowers (*except* office and sales work in connection with a, b, c and d, when not performed on the transportation media or at the actual construction site);
- Any of the following occupations, even in retail, food service or gasoline service establishments: a) work performed in or about boiler or engine rooms; b) work in connection with maintenance or repair of the establishment, machines or equipment; c) outside window washing that involves working from window sills; d) all work requiring the use of ladders, scaffolds or their substitutes; e) cooking (*except* at soda fountains, lunch counters, snack bars or cafeteria serving counters) and baking; f) occupations that involve operating, setting up, adjusting, cleaning, oiling or repairing power-driven meat slicers and food grinders, food choppers and cutters or bakery-type mixers; g) work in freezers and meat coolers and all work in preparation of meats for sale (*except* wrapping, sealing, labeling, weighing, pricing and stocking, when performed in other areas); h) loading and unloading

goods to and from trucks, railroad cars, or conveyors; i) all occupations in warehouses except office and clerical work;

- Occupations involving industrial home work; and
- In any of the occupations prohibited for minors under the age of 18.

Certain hazardous occupations are prohibited if you are under 18 years of age (certain exceptions apply to students in cooperative industrial education “co-op” programs):

- Manufacturing, packaging and storing explosives (HO1) ;
- Motor vehicle driver and outside helper (HO2);
- Any mining occupation, including coal mining (HO9, HO3);
- Logging and sawmilling, including lath mill, shingle mill, and cooperage stock mill (HO4);
- Using power-driven woodworking machines (HO5; NJ34:2-21.17);
- Any operation involving exposure to radioactive substances or ionizing radiation, or exposure to silica or other harmful dust (HO6; NJ12:58-4.4.7);
- Using power-driven hoisting apparatus, including the care or operation of a freight or passenger elevator; *except* that a minor over 16 may operate automatic

- push button control elevators (HO7; NJ34:2-21.17);
- Using power-driven metal-forming punching and shearing machines (HO8);
- Occupations in or about slaughtering, meat-packing, processing or rendering plants (HO10; NJ12:58-4.12);
- Any occupation involving the operation, assembly, setting up, adjusting, cleaning, oiling, wiping or repairing of a meat slicer and its attachments (HO10; NJ12:58-4.12);
- Using certain power-driven bakery machines (HO11; NJ34:2-21.17);
- Using certain power-driven paper-products machines (HO12);
- Manufacturing brick, tile and kindred products (HO13);
- Using power-driven circular saws, band saws, and guillotine shears (HO14; NJ12:58-4.11);
- Any building or roadway construction work, including roofing, excavating, wrecking, demolition, and shipbreaking operations, and any function performed within 30 feet of the above operations (HO15, HO16, HO17; NJ12:58-4.2);
- Operation of some agricultural machinery (NJ12:58-4.3);

- Working in junk or scrap metal yard (NJ12:58-4.4);
- Working in a disorderly house (NJ12:58-4.5);
- Working with highly inflammable substances (NJ12:58-4.6);
- Working with toxic and/or hazardous substances (NJ12:58-4.9);
- Operating or loading compactors (NJ12:58-4.10);
- Working with or near corrosive materials (NJ12:58-4.13);
- Any work involving indecent or immoral exposure (NJ12:58-4.14);
- Work involving use of or exposure to pesticides (NJ12:58-4.15);
- Working with rim wheels (NJ12:58-4.16); and
- Work in alcoholic beverage bar service areas (NJ12:58-4.17).

The references in parentheses note the location of the official language, which can be found in Federal Wage-Hour bulletin CL 101 or NJ Child Labor Laws and Regulations.

Penalties for employers

Employers who violate the federal child labor provisions or any regulation issued under them may be subject to a civil money penalty of up to \$10,000 for each minor.

Under NJ State Law they may be assessed as much as \$250 for the first violation and \$500 for subsequent violations. Each day during which any violation of this Act continues shall constitute a separate and distinct offense and/or, if a defendant acts knowingly, an offense under this section shall be a crime of the fourth degree; otherwise, it shall be a disorderly persons offense, punishable by a fine of not less than \$100 nor more than \$1,000.

Special child labor provisions regarding age & hours of work pertain to:

Children employed as actors or performers in motion pictures, or theatrical, radio or television productions. (NJ34:2-21.57 et seq.)

Children engaged in the delivery of newspapers to the consumer. (NJ34:2-21.15)

Several exemptions from Hazardous Occupations Orders can exist under certain conditions (apprentices and student learners). Please call the federal office nearest you (listed on the back page) for further information.

The United States Department of Labor and the New Jersey Department of Labor enforce the provisions of federal and state child labor laws in New Jersey. This informational booklet reflects both federal and state law for the employment of minors in non-agricultural jobs. For further information, contact:

**U.S. Department of Labor
Wage-Hour Division**
200 Sheffield St., Suite 102
Mountainside, NJ 07092
(973) 645-2279

**U.S. Department of Labor
Wage-Hour Division**
3131 Princeton Pike
Bldg. 5, Rm. 216
Lawrenceville, NJ 08648
(609) 989-2247

**New Jersey Department of Labor
Division of Wage and Hour Compliance**
P.O. Box 389
Trenton, NJ 08625-0389
(609) 292-2337